

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

TODD C. BANK, Individually and on  
Behalf of All Others Similarly Situated,

*Plaintiff,*

-against-

ICOT HOLDINGS, LLC, and  
ICOT HEARING SYSTEMS, LLC,

*Defendants.*

1:18-cv-02554-AMD-PK

**DECLARATION OF DANIEL A. OSBORN**

1. I am an attorney duly admitted to practice before this Court and the courts of the State of New York.

2. I am the principle of Osborn Law, P.C.

3. I have thoroughly reviewed the pleadings in this case and spoken about them in depth with Plaintiff, Todd C. Bank.

4. Based on the materials I have reviewed and my conversations with Mr. Bank, I would like my Firm to serve as class counsel in this action.

5. I have been practicing law for 33 years and have been litigating class-action cases since 1998. My current Firm is comprised of two partners and four paralegals, all of whom have experience in class-action litigation. In addition to our work experience, we have the financial resources to properly litigate this case.

6. Osborn Law, P.C. and its predecessor, Beatie and Osborn, LLP, have acted as class counsel in numerous lawsuits around the country. Those cases have included securities class actions, TCPA class actions, consumer class actions, employee misclassification class actions, and wage-and-

hour (Fair Labor Standards Act) cases. Some of those cases are set forth in the attached Exhibit A.

7. Currently, my office is involved in two class actions. One of those cases is a labor case in federal court in Los Angeles in which a group of truck drivers has alleged misclassification, similar to the *Ruiz* case described in Exhibit A. The second case involves contaminated well-water of approximately 520 residents in East Hampton, New York. That case has been consolidated with hundreds of other contaminated-water cases into a multi-district litigation overseen by Judge Gergel in federal court in Charleston, South Carolina.

8. I am not aware of any conflicts that exist between my Firm and the members of the class.

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

s/ Daniel A. Osborn  
Daniel A. Osborn  
Executed on January 29, 2021

**Exhibit A**

**Paraschos, et al. v. YBM Magnex International, Inc., et al.**

No. 98-CV-6444

U.S. District Court, Eastern District of Pennsylvania

*Mr. Osborn, and his former firm, Beatie and Osborn LLP, were lead counsel in the United States action in this securities class action. The United States and Canadian cases settled for \$85 million Canadian in 2002.*

**In re NCS Healthcare, Inc.**

C.A. No. 9786

Court of Chancery of the State of Delaware, County of New Castle

*Mr. Osborn, and his former firm, Beatie and Osborn LLP, were co-counsel in this case challenging a proposed merger. The case settled in 2003 for approximately \$100 million.*

**In re Schein Pharmaceutical, Inc.**

Master Docket No. 98-4311 (JCL)

U.S. District Court District of New Jersey

*Mr. Osborn, and his former firm, Beatie and Osborn LLP, were executive committee members. This securities class action settled for \$8 million.*

**In re Livent Inc. Securities Litigation / Griffin v. PaineWebber**

98 Civ. 5686 (VM)/99 Civ. 2292 (VM)

U.S. District Court, Southern District of New York

*Mr. Osborn, and his former firm, Beatie and Osborn LLP, were co-lead counsel. These two related securities class actions settled for an aggregate amount of \$6.45 million.*

**Connacher et al. v. Ross Stores**

Case No. 078692 RCVRS

California Superior Court, County of San Bernardino

*Mr. Osborn, and his former firm, Beatie and Osborn LLP, were lead counsel in this “wage and hour” labor case. The suit settled for \$6.3 million in 2008*

**In re: Aredia and Zometa Products Liability Litigation**

3:06-MD-1760

U.S. District Court, Middle District of Tennessee

*Osborn Law, P.C. had approximately 400 individual clients who claimed they were injured by prescription drugs. The cases settled in 2014 for \$23,460,000.*

**Ruiz v. XPO Logistics**

Case No. 3:05-cv-02125

U.S. District Court, Southern District of California

*Osborn Law, P.C. litigated this case against a national trucking company for misclassification of approximately 260 of its California drivers as independent contractors. This case settled in 2017 for \$13,900,000.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing document is being filed electronically on January 29, 2021, via the Court's electronic-case-filing (ECF) system. Notice of this filing will be sent by the Court's ECF system to all parties, and copies will be mailed to those parties, if any, that are not served in such manner.

Dated: January 29, 2021

**s/ Todd C. Bank**  
Todd C. Bank